

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

IN RE:)
)
ATHEAL PIERCE,)
)
 Debtor/Appellant,)
)
vs.) **CASE NO. 05-1014-T**
)
AMERICAN GENERAL FINANCE.)

**NOTICE OF TERMINATION OF AUTOMATIC STAY AND CREDITOR'S
INTENT TO PURSUE STATE LAW REMEDIES**

COMES NOW American General Finance, by and through its attorney of record, Parnell & Crum, and files this notice that it intends to proceed with its state law remedies. In support thereof, American General Finance would show this court as follows:

1. The above referenced Debtor/Appellant is appealing an order of dismissal entered by the Bankruptcy Court on September 15, 2005.

2. That order was entered by the Honorable Dwight H. Williams pursuant to a motion to dismiss filed by American General Finance wherein the creditor requested a 180 day bar against the Debtor filing a new bankruptcy case.

3. At no time has the Debtor filed a motion requesting that a stay be invoked pending his appeal.

4. American General Finance wishes only to make a limited appearance in this case solely for the purpose of advising this Honorable Court that it intends to move forward and pursue its state law remedies, including, but not limited to, foreclosure of the mortgages on the property securing its debts. It is the belief of American General Finance that the foreclosure of these mortgages will ultimately moot the Debtor's appeal.

Respectfully submitted,

PARNELL & CRUM, P.A.

/s/ Britt B. Griggs
By: BRITT BATSON GRIGGS
Attorney for American General Finance

OF COUNSEL:
PARNELL & CRUM, P.A.
Post Office Box 2189
Montgomery, Alabama 36102-2189
(334) 832-4200

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically mailed or placed in the U.S. mail, postage prepaid, an exact copy of the foregoing motion to the following parties, this the 25th day of October, 2005.

Hon. Sabrina L. McKinney
Chapter 13 Trustee's Office
Post Office Box 173
Montgomery, Alabama 36101

Atheal Pierce
Debtor/Appellant
112 Norwood Blvd.
Montgomery, Alabama 36117

Hon. Teresa Jacobs
Bankruptcy Court Adm.
One Church Street
Montgomery, Alabama 36104

/s/ Britt B. Griggs
BRITT BATSON GRIGGS